

SUBSTITUTE APPLICATION FOR UNITED STATES PATENT
DECLARATION * POWER OF ATTORNEY * PETITION

AS A BELOW-NAMED INVENTOR, I hereby declare that:

MY RESIDENCE, citizenship, and post office address are as stated below, next to my name.

I BELIEVE I am:

1. ☐ The original, first and sole inventor,

2. ☒ an original, first and joint inventor,

of the subject matter which is claimed and for which a patent is sought on the invention entitled:

3. **CHIMERIC GENES FOR TRANSFORMING PLANT CELLS USING VIRAL PROMOTERS**

the specification of which, with any Preliminary Amendments,

4. ☐ is attached hereto

5. ☒ was filed on December 7, 1990

5(a) as Application Serial No. 07/625,637

6. ☐ including Amendment(s) filed on

7. ☐ together with any Amendment(s) filed herewith.

I HEREBY STATE that I have reviewed and understand the contents of the above-identified specifications, including the Claims, as amended by any Amendment(s) referred to above.

I ACKNOWLEDGE my Duty to Disclose information of which I am aware which is material to the Examination of this Application in accordance with Title 37, Code of Federal Regulations, §1.56(a) including any such information which occurred between the filing date of any prior application listed below for which the benefit of Title 35, United States Code §120 is claimed and the filing date of this Application.

I HEREBY STATE that the subject matter which is claimed in any Amendment(s) referred to above was part of my or our invention and was invented before the filing of this Application.

BENEFIT OF EARLIER FILING DATE

THIS APPLICATION in whole or in part discloses and claims subject matter disclosed in and I hereby claim the benefit under title 35, United States Code, §120 of any of my or our prior United States Applications(s) listed below:

	<u>SERIAL NO.</u>	<u>FILING DATE</u>	<u>STATUS</u>
8.	458,414	January 17, 1983	Abandoned
	458,568	April 15, 1983	Abandoned
	931,492	November 17, 1986	Abandoned

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or Inventor's Certificate(s) listed below:

	<u>NUMBER</u>	<u>COUNTRY</u>	<u>FILING DATE</u>
9.			

Any foreign application(s) for patent or Inventor's Certificate(s) filed by me or us which claims or discloses all or any part of the subject matter claimed in this Application and which has a filing date before that of the above-listed application(s) on which foreign priority is claimed is identified below:

	<u>NUMBER</u>	<u>COUNTRY</u>	<u>FILING DATE</u>
10.			

AS TO ANY subject matter which is claimed in this Application which is not common to any above-identified prior application(s) for which the benefit of 35 U.S.C. §119 or §120 is claimed, I do not know and do not believe that the same was ever known or used in the United States before my or our invention or discovery thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this Application, or in public use or on sale in the United States more than one year prior to the date of this Application, that said subject matter has not been patented or made the subject of an Inventor's Certificate issued before the date of this Application filed by me or my legal representatives or assigns more than twelve months prior to this Application.

AS TO ANY subject matter which is claimed in this Application which is common to any above-identified prior applications(s) for which the benefit of 35 U.S.C. §120 is claimed, I do not know and believe that the same was ever known or used in the United States before my or our invention or discovery thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the earliest of said prior application(s) to which said subject matter is common, or in public use or on sale in the United States more than one year prior to the earliest of said prior application(s) to which said subject matter is common, that said subject matter has not been patented or made the subject of an Inventor's Certificate issued before the date of the earliest of

said prior application(s) to which said subject matter is common in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the earliest of said prior applications(s) to which said subject matter is common.

11. ☐ ALL APPLICATION(S), if any, for patent or Inventor's Certificate on any part of said subject claimed in this Application filed by me or my representatives or assigns in any country foreign to the United States of America in addition to any listed above on which priority is claimed are listed in Annex A, attached hereto.

I HEREBY appoint the following as my attorney(s) and/or agent(s) of record with full power of substitution and revocation to prosecute this Application and to transact all business in the Patent and Trademark Office connected therewith.

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|-----|------------------------|-----------------|
| 12. | Lawrence M. Lavin, Jr. | Reg. No. 30,768 |
| | Dennis R. Hoerner, Jr. | Reg. No. 30,914 |
| | James C. Bolding | Reg. No. 26,843 |

ALL correspondence/telephone calls in connection with this Application should be directed to:

13. Lawrence M. Lavin, Jr.
Monsanto Company - BB4F
700 Chesterfield Village Parkway
St. Louis, Missouri 63198
- 13(a). Telephone Number: (314) 537-6670

I FURTHER declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

WHEREFORE, I PRAY that Letters Patent be granted to me solely or jointly with the additional inventor(s) (if any) named below for the invention described and claimed in the above-identified specification and claims, and I hereby subscribe my name to the above-identified specification and claims, Declaration, Power of Attorney and this Petition.

14(a).	SOLE or FIRST JOINT INVENTOR, first name:	<u>ROBERT THOMAS FRALEY</u>
	RESIDENCE (State/Country)	<u>Missouri / U.S.A.</u>
	CITIZENSHIP:	<u>U.S.A.</u>
	POST OFFICE ADDRESS:	<u>1048 Woodfield Estates</u> <u>Ballwin, Missouri 63011</u>
	INVENTOR'S SIGNATURE	<u><i>Robert T. Fraley</i></u>
	DATE:	<u>Aug 20, 1992</u>
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14(b).	SECOND JOINT INVENTOR, (if any) full name:	<u>ROBERT BRUCE HORSCH</u>
	RESIDENCE (State/Country)	<u>Missouri / U.S.A.</u>
	CITIZENSHIP:	<u>U.S.A.</u>
	POST OFFICE ADDRESS:	<u>12768 Whispering Hills Lane</u> <u>St. Louis, Missouri 63146</u>
	INVENTOR'S SIGNATURE	<u><i>Robert Bruce Horsch</i></u>
	DATE:	<u>August 20, 1992</u>
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14(c)	THIRD JOINT INVENTOR, (if any) full name:	<u>STEPHEN GARY ROGERS</u>
	RESIDENCE (State/Country)	<u>Missouri / U.S.A.</u>
	CITIZENSHIP:	<u>U.S.A.</u>
	POST OFFICE ADDRESS:	<u>4235 West Pine Boulevard #2</u> <u>St. Louis, Missouri 63108</u>
	INVENTOR'S SIGNATURE	<u><i>Stephen G. Rogers</i></u>
	DATE:	<u>August 19 1992</u>
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14(d)	FOURTH JOINT INVENTOR, (if any) full name:	
	RESIDENCE (State/Country)	
	CITIZENSHIP:	
	POST OFFICE ADDRESS:	
	INVENTOR'S SIGNATURE	<hr/>
	DATE:	<hr/>